

Volume I  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

No. 1:17-cv-10107-WGY

DAVID SETH WORMAN, et al.,  
Plaintiffs,  
vs.  
CHARLES D. BAKER, et al.,  
Defendants.

DEPOSITION OF ALAN ZANI  
Friday, September 15, 2017 at 12:10 p.m.  
Campbell, Campbell, Edwards & Conroy  
One Constitution Center  
Boston, Massachusetts 02129

-----Jennifer A. Doherty, CSR-----  
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1 the Essex County Drug Task Force, and those would be  
2 my command positions. I've also been assigned to  
3 the Essex County Drug Task Force. I was there for  
4 about 15 years as a trooper and as a sergeant, and I  
5 was a uniformed trooper from '85 to '89 at the  
6 Andover barracks.

7 Q. Did you join the police force in '85?

8 A. Yes, I did.

9 Q. I'm going to hand you a copy of what will  
10 be marked as Exhibit 1.

11 (Exhibit No. 1 marked for  
12 identification.)

13 Q. Lieutenant, have you seen these before?

14 A. I've seen some interrogatories.

15 Q. If you could turn your attention, please,  
16 to Page No. 11.

17 A. (Complies.)

18 Q. And Interrogatory No. 11 asks to identify  
19 any reviews of firearm transfers and sales conducted  
20 between 1998 and July 20, 2016, and any violations  
21 of law discovered through such review and any agency  
22 to which it reported the violation was submitted.  
23 And if you turn the page to Page 13 after a number  
24 of objections and privileges -- if you go to the top

1 of Page 13, the Colonel states: "Beginning in late  
2 2015, Massachusetts State Police Lieutenant Alan  
3 Zani participated in reviews of firearms sales." Is  
4 that accurate?

5 A. Let me read this one more time. I  
6 participated in firearms reviews sales? To a  
7 limited extent that's partially accurate.

8 Q. What was the extent of your review of  
9 firearms sales?

10 A. There would be occasion that I would hear  
11 of an FFL or a federal firearms licensed dealer  
12 selling firearms that weren't on the approved roster  
13 and/or glocks being sold to non-law enforcement  
14 personnel. From that I would be provided with a  
15 sampling of their monthly sales report and could  
16 either discern from that report that the report was  
17 either accurate or inaccurate, and then I would  
18 forward the information.

19 Q. A number of questions about that. When  
20 you say "firearm," you're referring to the  
21 Massachusetts definition which is a handgun; is that  
22 correct?

23 A. I'm not. There would be long arms and  
24 firearms. Long arms and pistols would be

1 firearms.

2 Q. You said it could come to your attention  
3 that there may be FFLs or other dealers that were  
4 selling firearms that were not permitted to be sold.  
5 How would it come to your attention?

6 A. I would receive source information.

7 Q. When you say "source information," what do  
8 you mean?

9 A. There may be a complaint, may be a  
10 confidential -- this would be a generality -- and  
11 the source information could be a complaint, an  
12 anonymous complaint. That will be about it.

13 Q. About how often would that occur?

14 A. During that time period, not very often.

15 Q. And you said you reviewed samples of the  
16 the sales reports from the FFL. Where did you get  
17 data from?

18 A. From Ms. Michaela Dunne from DCJIS.

19 Q. Are those reviews ongoing?

20 MR. PORTER: Objection. I mean, at a  
21 level of generality it may not be objectionable, but  
22 as we've asserted in our --

23 MR. NARDONE: All I've done is asked  
24 if the reviews are ongoing.

1 MR. PORTER: I don't want to wait too  
2 long.

3 MR. NARDONE: Noted.

4 A. Not by me.

5 Q. Are they ongoing by others?

6 A. I do not know.

7 Q. Who would know?

8 A. I suspect -- well, I don't know. It will  
9 be maybe the Attorney General's office.

10 Q. Your 2015 review, the review that we were  
11 discussing in this interrogatory, was that done at  
12 the direction of the Attorney General's office?

13 MR. PORTER: Objection.

14 Q. You can answer.

15 A. I would have a problem with you referring  
16 to it as a review.

17 Q. What would you refer to it?

18 A. An investigation may come my way and I  
19 would investigate it. In no instance did I receive  
20 an initial referral by the Attorney General's  
21 office.

22 Q. The reviews that we're discussing, these  
23 were individualized?

24 MR. PORTER: Objection to the form.

1           A.     Again, I would have questions about the  
2     dates, and I'm not positive on the dates, so it may  
3     or may not have been before July of 2016. They  
4     would be individualized, yes.

5           Q.     Were you ever asked to do a comprehensive  
6     review of all firearms transfers?

7           A.     No.

8           Q.     To your knowledge was anyone?

9           A.     Not to my knowledge.

10          Q.     Have you ever heard the term  
11     "Massachusetts-compliant firearm" before?

12          A.     Yes.

13          Q.     What is your understanding of what that  
14     means?

15                   MR. PORTER: Objection to the form.

16          A.     It was a fireman that was compliant to the  
17     Massachusetts General Laws prior to July 20, 2016.

18          Q.     In your reviews did you come across any  
19     transfers of those firearms?

20                   MR. PORTER: Objection.

21          A.     You're talking about prior to July 20,  
22     2016, if they were compliant I may have seen them or  
23     I may not have. They would have been compliant at  
24     the time.

1 Q. So they were lawful transfers that  
2 wouldn't have triggered any action by you?

3 MR. PORTER: Objection to the form.

4 A. They were considered lawful.

5 Q. I want to make sure I have a good  
6 understanding of what records you reviewed. You  
7 said they came from Ms. Dunne's office. Would those  
8 be the firearms records that are retained by the  
9 Firearms Record Bureau, I believe it's called?

10 A. Correct.

11 Q. And when you were looking at them, what  
12 exactly were you looking for?

13 A. For firearms that were not on the approved  
14 firearms roster approved by the Executive Office of  
15 Public Safety and Security.

16 Q. Specifically for whether or not they were  
17 on or not on the approved roster itself?

18 A. Yes, that and/or glocks -- or new glocks,  
19 actually.

20 Q. When you say "new glocks," what do you  
21 mean?

22 A. Produced prior to 1998.

23 Q. Am I correct that those are not able to be  
24 sold because of the consumer protection issues

1 around them?

2 A. You're correct.

3 Q. When you found a violation, what steps did  
4 you take from the point that you found the  
5 violation?

6 A. I advised the Attorney General's office.

7 Q. Were any of these cases referred to local  
8 prosecutors?

9 A. They were not.

10 Q. Have you ever conducted a review of a  
11 transaction that did result in a -- sending it to a  
12 prosecutor for action?

13 A. Define "prosecutor."

14 Q. A local district attorney or a member of  
15 the Attorney General's office that prosecutes  
16 crimes.

17 A. I have referred cases to the Attorney  
18 General's office.

19 Q. In the 2015 to 2016 investigation that you  
20 were doing that we were speaking of earlier, do you  
21 know if any of the transactions that you forwarded  
22 resulted in prosecutions?

23 A. I do not.

24 Q. Were you ever called to testify in any



1 cases that arose out of the review that you did?

2 A. I did not.

3 Q. Have you ever been called to testify in a  
4 case involving the transfer of a banned firearm or  
5 magazine?

6 A. I have not.

7 Q. Did anyone assist you in the investigation  
8 that you conducted from late 2015 through July  
9 2016?

10 A. I'm sorry, are you referring to the  
11 investigation or --

12 MR. PORTER: Objection to the form.

13 Q. What we had referred to as the review  
14 earlier.

15 A. I would communicate with Ms. Michaela  
16 Dunne as to -- the substance would generally be --

17 MR. PORTER: Objection -- okay.

18 A. -- to produce the firearms that were  
19 sold.

20 Q. Were any other officers in the  
21 Massachusetts State Police involved?

22 A. Not that I believe.

23 (Exhibit No. 2 marked for  
24 identification.)